

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FMIO, INC. and  
RICHARD A. GARST,

Plaintiffs,

Civil Action No. 09-12561

vs.

HON. BERNARD A. FRIEDMAN

TOWNSHIP OF SUMMERFIELD  
MICHIGAN, et al.

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

Plaintiff has moved for reconsideration of the Court's December 17, 2010 Order granting Defendants' Motion for Summary Judgment.

Local Rule 7.1(g) of this Court states that "[g]enerally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." Further, it states that a movant in a motion for reconsideration must demonstrate a palpable defect by which the court and the parties have been misled. Such defect has not been shown. Contrary to Plaintiff's contentions, the Court was not misled by Defendants' legal arguments, as the Court conducted its own review of the law before rendering its Opinion. Plaintiff has not demonstrated a "palpable defect" by which the Court has been misled.

In addition, Plaintiff's arguments pursuant to Fed. R. Civ. P. 59(e), seeking to alter or amend the judgment, are unavailing. Plaintiff's contention that it seeks to correct a clear error of law or prevent manifest injustice are not compelling, as the Court has already reviewed the facts

and law of this case, and does not find that such clear error or manifest injustice exists.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for Reconsideration is DENIED.

Dated: February 24, 2011  
Detroit, Michigan

S/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
UNITED STATES DISTRICT JUDGE